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November 13, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. 
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, July 16, August 10, and September 21, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities is nearly complete. One restroom/janitorial facility is finished and operational; the other is still in the process of construction. As soon as the construction is complete it will result in a total of three restroom and janitorial facilities.
2. Tenants are participating in a centralized onsite refuse collection program that includes a provision of marked garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are continuing the process of amending and issuing new leases for all tenants to require participation in this program.

3. The complex owners are in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. The City of Los Angeles Building and Safety Department (LABSD) has approved the plans. The City's Office of Historical Preservation is now evaluating whether the market should be considered a historical site and how this would affect alterations such as the awning.
4. The complex management has eliminated all rodent harborages at damaged exterior building complex walls and exposed drainage pipes and trenches. Installation of rodent proofing at the individual tenants' roll-up doors is complete.

Field observations have confirmed full participation by all tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.

5. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex, including a proposed plumbing schematic model for current and future vacant stalls. LABSD's Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for approval of the plans from LABSD. The approval process is delayed until the historical significance of the Market is addressed.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Ninety-day improvement plans have been developed and are now being revised to be consistent with updated wholesale produce market policies. After the revisions are complete, meetings will be scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Supervision and staff spent two days in August 2007 at the 9th Street Market to survey the entire complex in order to provide a specific plan for improvement to be presented to the complex owner. The Director of the Food Inspection Bureau has made contact with the complex owner and advised him that the plan would be forthcoming. A joint meeting with the complex owner and operators is tentatively scheduled for late November 2007.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground; 2) no food products are stored near garbage or trash.

The wholesale produce market inventory has increased to 330 active sites. Since February 2007, all 330 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce markets is as follows: 462 routine inspections; 698 follow-up compliance inspections; 112 complaint inspections; 129 closures; 161 office hearings and; 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy, completeness and frequencies. Food and Milk supervision conducted an early morning field visit at the 7th Street Market on October 3, 2007 to verify completion of the trash compactor facility and the resurfacing of the central parking area. The work had been completed as reported. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation.

LEGAL ACTIONS

The court case against the owner/operator of the 7th Street Wholesale Market Complex is now continued to November 28, 2007. Another defendant, Victor Mendoza of V&L Produce, appeared for his court arraignment on September 27, 2007, and the case was continued to November 11, 2007.

A walk-through inspection of the 7th Street Produce Market by City Attorney David Shepherd, Food and Milk Program Supervision and staff was conducted on October 24, 2007. The purpose of this visit was to evaluate the level of compliance, progress and improvements prior to the next court date. It was determined that the overall operation and conditions at the market have improved considerably.

I will provide a further update on our progress by December 10, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
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c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors